

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noa Street-Sachs	Team: Squad #8	CCRB Case #: 202004517	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/13/2020 12:30 PM	Location of Incident: 70th Precinct Stationhouse	Precinct: 70	18 Mo. SOL 12/13/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/23/2020 5:42 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 06/23/2020 5:42 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Shuhel Ahmed	20760	949973	070 PCT
2. SGT Ramiro Ruiz	05320	939384	070 PCT
3. SGT Jerry Sukhnandan	2300	940778	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Walker	08040	948157	070 PCT
2. POM Alan Litvin	12724	966170	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Shuhel Ahmed	Abuse: Police Officer Shuhel Ahmed threatened to arrest § 87(2)(b)	
B.SGT Ramiro Ruiz	Abuse: Lieutenant Ramiro Ruiz threatened to arrest § 87(2)(b)	
C.POM Shuhel Ahmed	Force: Police Officer Shuhel Ahmed used physical force against § 87(2)(b)	
D.SGT Ramiro Ruiz	Force: Lieutenant Ramiro Ruiz used physical force against § 87(2)(b)	
E.SGT Jerry Sukhnandan	Force: Sergeant Jerry Sukhnandan used physical force against § 87(2)(b)	

Case Summary

On June 23, 2020, at 5:41 a.m., § 87(2)(b) filed the following complaint via the CCRB online complaint form.

On June 13, 2020, at approximately 12:30 p.m., § 87(2)(b) walked into the 70th Precinct stationhouse in Brooklyn to file a police report about her landlord entering her apartment. § 87(2)(b) was informed that this was a civil matter and was told she could not file a police report. § 87(2)(b) took out her phone and began recording after which Lt. Ramiro Ruiz and Sgt. Jerry Sukhnandan, both of the 70th Precinct, sped over and with their hands outstretched, pointed towards the door, and told § 87(2)(b) to get out. Lt. Ruiz was a sergeant at the time of the incident but has since been promoted, and as such, is being referred to as Lt. Ruiz. § 87(2)(b) was told by an officer determined to be PO Shuhel Ahmed of the 70th Precinct, “If you don’t get out now, we’re going to arrest you” (**Allegation A: Abuse of Authority**, § 87(2)(g)). Lt. Ruiz also threatened § 87(2)(b) with arrest, saying “We’re gonna handcuff you” (**Allegation B: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was told, “You’re not allowed to be recording. Get out right now.” Nobody had told § 87(2)(b) she could not record until that moment. § 87(2)(b) was told to get out over and over for approximately 30 seconds. Then, PO Ahmed, Lt. Ruiz, and Sgt. Sukhnandan pushed § 87(2)(b) out of the stationhouse (**Allegation C, D and E: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was not arrested or issued a summons because of this incident. The investigation is in possession of § 87(2)(b)’s cell phone footage and audio recording pertaining to this incident (Board Review 01, Board Review 02).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Shuhel Ahmed threatened to arrest § 87(2)(b).

Allegation (B) Abuse of Authority: Lieutenant Ramiro Ruiz threatened to arrest § 87(2)(b).

In her verified statement, § 87(2)(b) stated that on June 13, 2020, at approximately 12:30 p.m., she entered the 70th Precinct stationhouse in Brooklyn and told multiple officers that someone had broken into her apartment with a power drill, and she needed to file a police report. After being informed that what her landlord did was not a crime but a civil matter, § 87(2)(b) took out her cell phone and began to record herself with the camera turned toward the room. She said, “I’m at the 70th precinct. They are not allowing me to file a police report.”

§ 87(2)(b) had been in the stationhouse for approximately ten minutes before she started recording. § 87(2)(b) was so focused on her task that she did not look around to see if there were signs indicating that she could not record. Then, two officers sped over to § 87(2)(b) with their hands outstretched pointed towards the door and told § 87(2)(b) to get out. § 87(2)(b) did not remember over the phone the order in which statements were made, but § 87(2)(b) was told by an officer, “If you don’t get out now, we’re going to arrest you.” This officer did not say what § 87(2)(b) could have been arrested for. The two officers said, “You’re not allowed to be recording. Get out right now.” § 87(2)(b) described PO1 as a male with “brownish” skin in his 40s who stood 6’4-5” and had dark black hair and dark eyes. She described PO2 as a male who was possibly Latino in his 40s who stood shorter than PO1 and had a medium build. § 87(2)(b) informed during her interview that she had a cell phone video which captured the two officers, PO1 and PO2, who pushed § 87(2)(b) out of the stationhouse.

Nobody had told § 87(2)(b) she could not record until this moment. § 87(2)(b) was told to get out over and over for approximately 30 seconds (Board Review 03).

PO Ahmed testified that when § 87(2)(b) started recording, he advised her, “You cannot record in the precinct. It’s against the law” and “You cannot record. If you record inside, you will be arrested” after which § 87(2)(b) refused to stop recording. PO Ahmed did not inform § 87(2)(b) to leave before telling her she could be arrested. PO Ahmed denied making the specific statement to § 87(2)(b) of, “If you don’t get out now, we’re going to arrest you” but stated during his interview that he told § 87(2)(b) “If you don’t stop recording, you’ll be arrested for that, ma’am. You cannot record inside the precinct”. PO Ahmed stated in the interview that when § 87(2)(b) started recording, she could have been arrested because she could not record in the stationhouse which was detailed in an administrative code. PO Ahmed could not remember which code this was. When asked what the charge would be, PO Ahmed said he forgot the code, but that there was one. When asked if there was anything else § 87(2)(b) could have been arrested for, PO Ahmed said disorderly conduct. Besides being loud, § 87(2)(b) would also not let the officers answer the questions that she was asking and was interrupting. There was nothing else that PO Ahmed remembered that constituted her as disorderly. Lt. Ruiz and Sgt. Sukhnandan also informed § 87(2)(b) she could be arrested within a few seconds of when PO Ahmed told her this (Board Review 04).

Lt. Ruiz testified that he noticed § 87(2)(b) using her cellphone to record video footage inside the stationhouse, for unknown reasons, and instructed PO Ahmed to ask her why she was recording. PO Ahmed instructed § 87(2)(b) to stop recording and she did not comply at that time. Lt. Ruiz then approached § 87(2)(b) and instructed her to stop recording or leave the stationhouse, informing her that she was not allowed to record video inside the building. Lt. Ruiz could not recall how long § 87(2)(b) had been in the stationhouse before she was instructed to stop recording. Lt. Ruiz stated during the interview that, to his knowledge, anyone recording video inside the stationhouse was subject to arrest under criminal trespassing and must be instructed to leave. Lt. Ruiz was informed that it was alleged that an officer said to § 87(2)(b) “If you don’t get out now, we’re going to arrest you.” Lt. Ruiz told § 87(2)(b) to stop recording and that she had to leave the stationhouse, but could not recall if he himself, or any other specific officer, informed § 87(2)(b) she could be arrested (Board Review 08).

Sgt. Sukhnandan testified that he and PO Ahmed stated approximately four to five times to § 87(2)(b) “You are not allowed to record, you need to leave.” Sgt. Sukhnandan did not recall if he stated, “If you don’t get out now, we’re going to arrest you” and did not recall other officers’ exact statements. Sgt. Sukhnandan did not recall a mention of § 87(2)(b) being arrested but stated § 87(2)(b) could have been arrested for trespassing for recording inside the police precinct (Board Review 09).

Per Patrol Guide Procedure 203-29, civilians are not allowed to record police activity within Department facilities. Members of the service may order any member of the public who is recording within Department facilities to stop such activity. If such person refuses to stop, they then should be ordered to leave the premises. If such person refuses to leave the premises, members of service may take proper enforcement action under the trespass statutes (Board Review 17).

Per N.Y. Penal Law 140.00 and 140.10, a person who remains in an area open to the public does so lawfully unless he defies a lawful order to leave, personally communicated to him by the owner of such premises or other authorized person. A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in the building. Criminal trespass in the third

degree is a class B misdemeanor (Board Review 05, Board Review 06).

In People v. Reape, 22 Misc. 3d 615, the Criminal Court of New York, Kings County held that a police officer's order to leave a precinct stationhouse suffices to revoke a civilian's license to remain in the stationhouse. A civilian refusing to leave the property when asked to do so fulfilled the definition of remaining unlawfully in or upon premises (Board Review 07).

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Force: Police Officer Shuhel Ahmed used physical force against § 87(2)(b)

Allegation (D) Force: Lieutenant Ramiro Ruiz used physical force against § 87(2)(b)

Allegation (E) Force: Sergeant Jerry Sukhnandan used physical force against § 87(2)(b)

In her verified statement, § 87(2)(b) stated that after she was told to get out of the stationhouse over and over for approximately 30 seconds, § 87(2)(b) said, "If you raise your voice, it's not going to help." The officers then interrupted her by lightly pushing her. It was then a big "bum rush." Two officers contacted § 87(2)(b)'s forearms, right above her wrists. She took a few steps back because it was overwhelming but did not leave. She quieted down and then started up again and said, "You're not letting me file a police report." After being pushed, § 87(2)(b) pulled her arms away and looked up at the officers and said, "Don't touch me. Don't touch me" and just stood there. Then, all the other officers swarmed around her as well and effectively pushed her out. § 87(2)(b) said, "Don't touch me." An officer threatened her and said, "If you don't want us to touch you, then get out" (Board Review 03).

PO Ahmed testified that after § 87(2)(b) refused multiple requests to leave the stationhouse, she was then escorted out of the stationhouse by himself, Lt. Ruiz, and Sgt. Sukhnandan. PO Ahmed's left hand contacted § 87(2)(b)'s stomach. PO Ahmed did not know where the sergeants contacted her body. § 87(2)(b) was pushing against PO Ahmed at this time and PO Ahmed said, "Ma'am, no. You need to get out" and "Ma'am, you can record outside the precinct. Not inside." Once § 87(2)(b) was outside of the stationhouse, PO Ahmed returned inside the stationhouse (Board Review 04).

Lt. Ruiz testified that § 87(2)(b) was not physically removed from the stationhouse but left on her own accord after receiving several warnings. He denied making physical contact with § 87(2)(b) or

seeing any other officer do so. § 87(2)(b) paused near the front steps and left shortly thereafter. (Board Review 08).

Sgt. Sukhnandan testified that he was not aware of any officers making any physical contact with § 87(2)(b) nor did he recall ever making any physical contact with her himself. Sgt. Sukhnandan denied pushing or witnessing an officer push § 87(2)(b) out of the stationhouse (Board Review 09).

§ 87(2)(b)'s cell phone footage captures approximately two officers who walk toward her with their arms outstretched, pointing off the screen. Different voices can be heard saying, "Step out. You can't record in the precinct. Leave now. You'll get arrested." At 25 seconds, § 87(2)(b) says, "Do not touch me." An officer says, "We're gonna handcuff you." It cannot be seen which officers take which actions as her cell phone is mostly pointed downward. An officer says, "If you don't want me to touch you, get out." § 87(2)(b) says, "It's too late." An officer says, "There's no recording in the police precinct." An officer says, "Last warning. Walk away." § 87(2)(b) says, "Last warning? Too late. You already touched me and everybody saw it" before the recording shuts off (Board Review 01).

Patrol Guide Procedure 221-01 and 221-02 allow officers to use a reasonable degree of force to ensure the safety of a member of service or when a civilian is refusing to comply with a lawful order (Board Review 10).

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(b)
- PO Ahmed has been a member of service for nine years and has been a subject in two previous CCRB complaints, neither of which were substantiated (Board Review 12). § 87(2)(g)
- Lt. Ruiz has been a member of service for 15 years. He has been a subject in 14 previous complaints and 28 allegations. Three of these allegations have been substantiated. Case 201311028 involved a substantiated unlawful arrest allegation. The Board recommended formalized training and the NYPD imposed this discipline. Case 201505505 involved a substantiated stop allegation and a substantiated arrest allegation. The board recommended Command Discipline A for each allegation which is still pending NYPD's decision (Board Review 13). § 87(2)(g)
- Sgt. Sukhnandan has been a member of service for 15 years. He has been a subject in six previous cases and 13 allegations, two of which have been substantiated. Case 201703122 involved a substantiated stop allegation and a substantiated frisk allegation. The board

recommended Command Discipline A and the NYPD imposed this discipline (Board Review 14). § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 11, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 15).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 8

Investigator: Noa Street-Sachs Inv. Street-Sachs 3/22/21
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 2/9/2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date